

TECHNICAL STAFF REPORT

Planning Board Meeting of July 31, 2008

Case No./Petitioner:

ASDP-83-56c/Robert and Suzanne Henig

Subject:

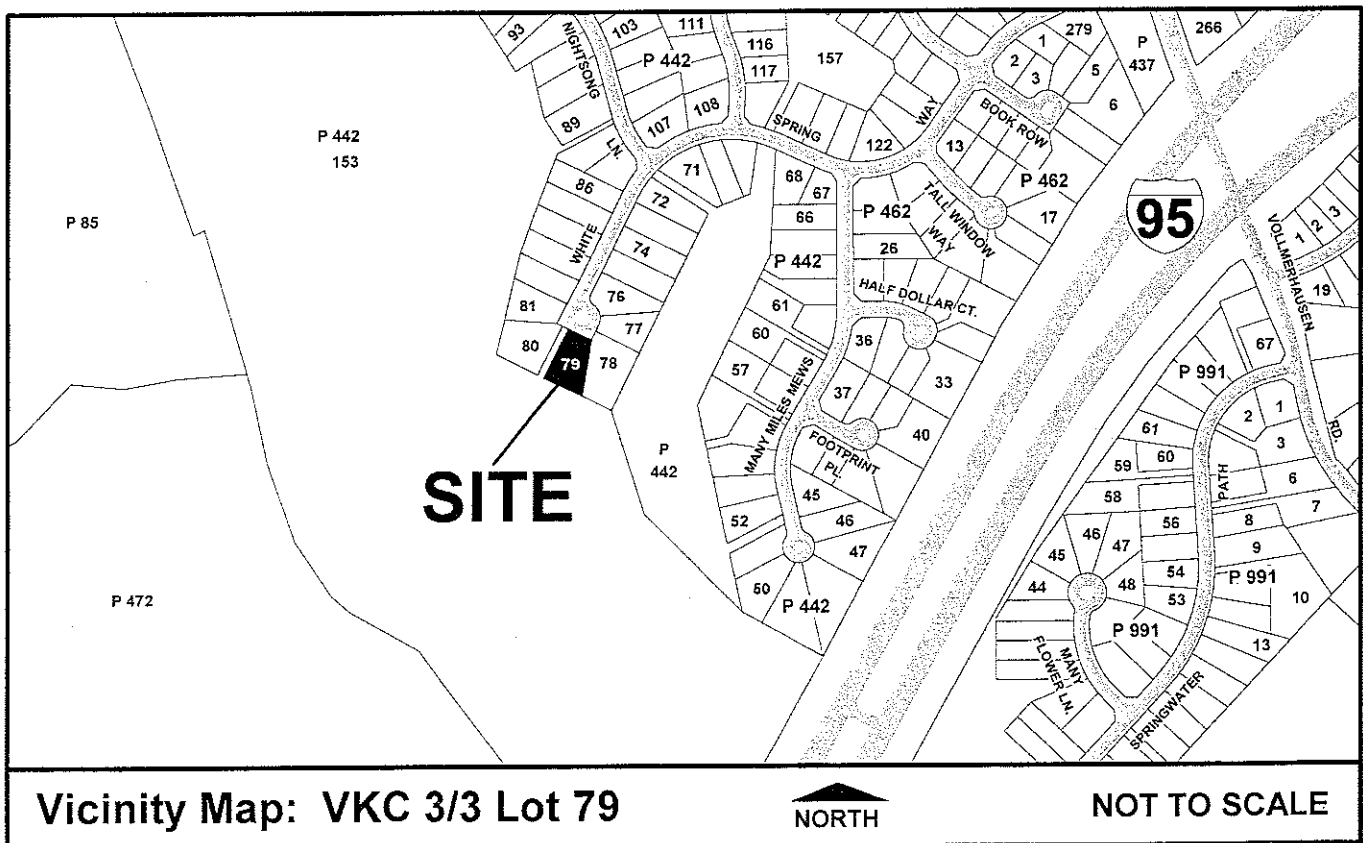
ASDP-83-56c, Village of Kings Contrivance, Section 3, Area 2, Lot 79,
9533 White Spring Way, Tax Map 42, Grid 21, Parcel 442, Sixth Election
District of Howard County, Maryland.

Request:

The request is for approval of an amended site development plan (ASDP) to allow construction of a detached 1,320 square foot, 3-car garage which would extend into the 7.5 foot southern (rear) building restriction line by 2 feet, 5 inches in accordance with Section 125.E.4 and Section 128.A.12.a. of the Howard County Zoning Regulations. The subject property is zoned "NT" (New Town), is part of the Village of Kings Contrivance, Section 3, Area 2 and is subject to FDP-169-A-II.

Location:

The subject lot is located on the south side of the cul-de-sac bulb of White Spring Way, approximately 2,400 feet west from Vollmerhausen Road in Columbia, Maryland.



Vicinal Properties

- To the immediate west is a 20-foot wide strip of Parcel 442 (Open Space Lot 153); to the far west is Lot 80, residential use, zoned NT
- To the east is Lot 78, residential use, zoned NT
- To the south is Parcel 442 (Open Space Lot 153)
- To the north is White Spring Way

1. SITE DESCRIPTION:

The subject lot is 17,425 square feet or .40 acre in size, is improved with a two story detached house, and is located in a neighborhood of detached houses on individual lots. The footprint of the existing house covers 1,766 square feet (10%) of the 17,425 square-foot lot. The rear property line abuts Open Space Lot 153. The subject lot and surrounding residential lots are zoned New Town – Single Family Low Density land use per FDP-169-A-II and are improved with detached houses. The neighborhood is densely shaded by trees of varying species and the houses are all uniformly scaled in proportion to their respective lots. The open space lots are zoned New Town – Open Space, Credited land use per FDP-169-A-II. The subject property derives its vehicular access from White Spring Way.

2. EVALUATION:

The petitioners have proposed a number of improvements to their property including: an enlarged front porch; a backyard deck and screened-in porch; a free standing hot tub on a deck; and a detached garage with a new driveway. The proposed garage addition (as well as the other proposed features that are shown on the attached exhibit) will increase the current lot coverage from 1,766 square feet to 4,392 square feet, but lot coverage, at 25%, will still remain under the maximum permitted lot coverage of 30%. The proposed garage will be used by the petitioners to store their personal vehicles and will not be used for business purposes or to house a residence. It will be accessed through a 10 foot wide driveway extending from the eastern side of the petitioners' existing driveway.

The petitioners' request requires that the Planning Board approve both a setback reduction to the 7.5 foot rear building restriction line specified by the FDP and a variance to the 600 square foot maximum size for a detached accessory garage stipulated by Section 128.A.12.a of the Zoning Regulations. Section 125.A.7.d of the Zoning Regulations states that the provisions of Section 128 (Supplemental Zoning District Regulations) shall apply to the NT district unless that district is specifically excluded. Since Section 125.E.4 of the Zoning Regulations empowers the Planning Board to authorize deviations to the bulk regulations mandated by the applicable FDP, and since the garage size limitations given in Section 128.A.12.a apply to the NT district, the Planning Board has the authority to grant the requested garage size variance. Evaluation of both the setback reduction and the size variance is based on the following criteria as provided in Section 125.E.4.d:

- 1. The adjustment will not alter the character of the neighborhood, will not impair the use or development of the adjacent property, and will not be detrimental to the public welfare.**

The subject lot is located in a neighborhood with homes that are similar with respect to height, scale, style, building materials and other features. The proposed garage will be partially screened from street view, due to its location in the southeast corner of the rear yard. The garage shall blend with the existing architecture and scale of the neighborhood. The petitioners propose to use a similar architectural style/siding, as well as roofing, that "will no way compromise the visual integrity or character of the community".

The following factors lend support to the petitioners' contention that the proposed garage will be compatible with its surroundings:

- Its location at the end of the cul-de-sac, being partially screened from White Spring Way by the existing house, and the substantial wooded open space to the rear of the property and the semi-wooded buffer that separates Lots 78 and 80;
- The garage will not overshadow or engulf the existing house; the size of the proposed garage will not cause the development on Lot 79 to appear out-of-scale relative to other nearby houses;
- There is adequate land area at the back of the property and sufficient spacing between the homes on the adjacent lots that provides adequate buffering;
- The proposed garage and other accessory structures were approved by the Kings Contrivance Architectural Review Committee, and the approved letter dated January 17, 2008 is a part of the file;
- The petitioner has also received signed statements by six neighbors, endorsing the proposed garage.

The garage, the deck, the front porch and hot tub will not alter the character of the developed residential neighborhood and will not impair the use of the adjacent and surrounding developed residential lots. The structure is not detrimental to the public welfare, since the intended use is for personal storage of vehicles. Furthermore, the petitioner must conform to the private homeowner's covenants of the Kings Contrivance Village, an additional protective measure for ensuring that the use of the structure is as proposed.

2. **The adjustment is needed due to practical difficulties which arise from strict compliance with the FDP and/or results in better design than would be allowed by strict compliance with the development criteria.**

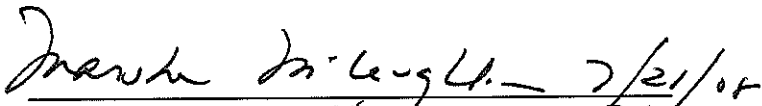
The proposed adjustment to the bulk requirement for the allowable size of a detached accessory garage will permit the petitioners to construct a garage consistent with their needs and in proportion to the lot in which the house presently sits. The proposed garage will not create a lot coverage violation. The land area of lot 79 consists of 17,425 square feet (0.40 acres). The existing house, along with the proposed garage, results in a combined square foot area of 4,392 square feet of improvements or 25% lot coverage (maximum is 30%). Since there is not a lot coverage issue for the petitioners, strict compliance with the Bulk Regulations for detached accessory garages would compromise the petitioners' ability to maximize their usable lot area, to the extent that the FDP permits. Secondly, strict adherence to the rear setback requirement would create a hardship to the petitioners' ability to site the proposed garage at a distance that would permit proper movement of vehicles and the ability to maneuver around an existing tree that is to remain. The petitioners will be adhering to the building codes, per the Department of Inspections, Licenses and Permits, (DILP), in terms of providing a safe distance between the rear wall and the rear property line and shall provide adequate spacing for maintenance, without encroaching onto the adjacent Columbia Association owned Open Space lot.

3. SRC ACTION:

The Subdivision Review Committee (SRC) determined this plan may be approved. The Amended Site Development Plan file is available for public review at the Public Service Counter of the Department of Planning and Zoning, Monday through Friday, 8:00 a.m. to 5:00 p.m.

4. RECOMMENDATION:

Based on the above findings, the Department of Planning and Zoning recommends that the Planning Board approve the Amended Site Development Plan (ASDP-83-56c) to allow the proposed 1,320 square foot detached garage to extend 2 feet, 5 inches into the 7.5 foot rear building restriction line and to exceed the 600 square foot maximum size stipulated by Section 128.A.12.a of the Zoning Regulations.


Marsha McLaughlin, Director
Department of Planning and Zoning

7/21/08
Date

HOUSE LOCATION

COLUMBIA

VILLAGE OF KINGS CONTRIVANCE

SECTION 3 AREA 2

SHEET 8 OF 10

LOT 79

HOWARD COUNTY, MARYLAND

PROPOSED LOT COVERAGE 25%

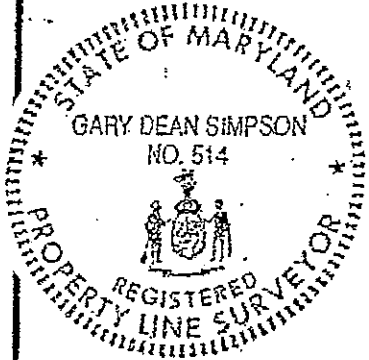
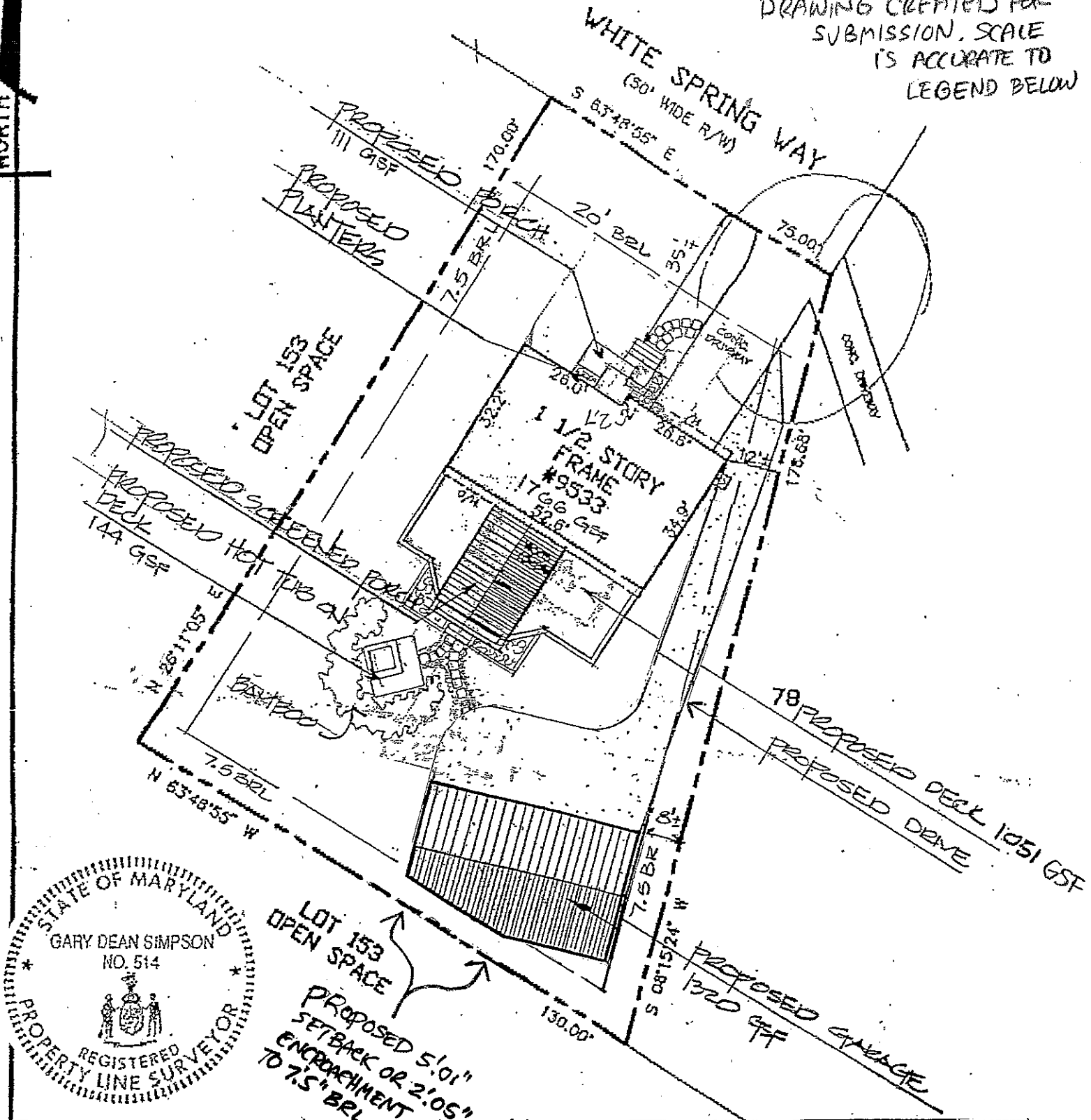
MAXIMUM ALLOWABLE 30%

17,425 TOTAL SF ON LOT # 79

4,392 PROPOSED SF STRUCTURE USE

ASSEMBLED & CONDENSED
DRAWING CREATED FOR
SUBMISSION. SCALE
IS ACCURATE TO
LEGEND BELOW

NORTH



PROPERTY ADDRESS: 9533 WHITE SPRING WAY

THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE C (AREA OF MINIMAL FLOODING) ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM F.I.R.M. MAP COMMUNITY PANEL NO. 240044 00368 AS REVISED 12-04-1988.

CERTIFICATE

I HEREBY DECLARE THAT THE POSITION OF ALL THE VISIBLE EXISTING IMPROVEMENTS SHOWN ON THE

REFERENCES

PLAT BK.
111-201

CMS

PERGOLA SHINGLES
TO MATCH EXISTING

5/4 x 8 RS CME
RAVE

CME SHINGLES TO
MATCH
EXISTING

HVAC UNIT IN
SUPPORT FOR
MILFTE

WORKSHOP FLE

PARADED CME

5
12

RAISED CUP BEYOND

SLOPED CONE
SUBS CME
PARKING AREA

EAST ELEVATION

1/4" = 1'-0"

